

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
19-CB-298726	7-1-2022

**INSTRUCTIONS:** File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.**1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT**

a. Name United Steel Workers, Local 12-591	b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 47 Alder Lane, Mount Vernon, Washington 98273	d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
	f. Fax No.	
	g. e-mail (b) (6), (b) (7)(C)	hfsinclair.com

h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 8(b)(1)(A) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
Beginning on or about (b) (6), (b) (7)(C) 2022, the above-named Union restrained and coerced Charging Party (b) (6), (b) (7)(C) in the exercise of Section 7 rights by failing and/or refusing to notify (b) (6), (b) (7)(C) of contractual limits on when (b) (6), (b) (7)(C) could terminate (b) (6), (b) (7)(C) Union membership, failing to inform the Charging Party of (b) (6), (b) (7)(C) right to be or remain a nonmember, and by causing the Employer to deduct back dues from the Charging Party's paychecks.

3. Name of Employer HF Sinclair	4a. Tel. No. 415-308-1968	b. Cell No.	c. Fax No.
	d. e-mail ryan.kimmel@hfsinclair.com		

5. Location of plant involved (street, city, state and ZIP code) 8505 South Texas Road Anacortes, Washington 98221	6. Employer representative to contact Ryan Kimmel, Senior Manager of Human Resources
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7. Type of establishment (factory, mine, wholesaler, etc.) Oil refinery	8. Identify principal product or service Gasoline	9. Number of workers employed 400
--	--	--------------------------------------

10. Full name of party filing charge  
(b) (6), (b) (7)(C)

11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)	11a. Tel. No.	b. Cell No. (b) (6), (b) (7)(C)	c. Fax No.
	d. e-mail (b) (6), (b) (7)(C)		

(b) (6), (b) (7)(C)

**12. DECLARATION**

I read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(Print type name and title or office, if any)

(Print type name and title or office, if any)

Tel. No.

Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-mail

(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

Date

7-1-2022

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



Download  
NLRB  
Mobile App

July 6, 2022

(b) (6), (b) (7)(C)

Re: United Steel Workers, Local 12-591  
(HF Sinclair)  
Case 19-CB-298726

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 01, 2022 has been docketed as case number 19-CB-298726. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202) 208-0537. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

United Steel Workers, Local 12-591 (HF  
Sinclair)  
Case 19-CB-298726

- 3 -

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive style with a large, stylized "R" and "H".

RONALD K. HOOKS  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
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July 6, 2022

**(b) (6), (b) (7)(C)**

United Steelworkers Local 12-591  
47 Alder Lane  
Mount Vernon, WA 98273

Re: United Steel Workers, Local 12-591  
(HF Sinclair)  
Case 19-CB-298726

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202) 208-0537. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board



agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlrb.gov](http://www.nlrb.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosure: Copy of Charge



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July 6, 2022

Ryan Kimmel, Senior Manager of  
Human Resources  
HF Sinclair  
8505 South Texas Road  
Anacortes, WA 98221-9340

Re: United Steel Workers, Local 12-591  
(HF Sinclair)  
Case 19-CB-298726

Dear Mr. Kimmel:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202) 208-0537. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently



submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER  
19-CB-298726

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

YES

NO

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$ \_\_\_\_\_

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ \_\_\_\_\_

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ \_\_\_\_\_

H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: \_\_\_\_\_

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual \_\_\_\_\_ and \_\_\_\_\_

CASE 19-CB-298726

United Steel Workers, Local 12-591 (HF  
Sinclair)

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
United Steelworkers, on behalf of its Local 12-591


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Zach Hebert  
MAILING ADDRESS: 60 Boulevard of the Allies, Room 807  
Pittsburgh PA  
E-MAIL ADDRESS: zhebert@usw.org  
OFFICE TELEPHONE NUMBER: 3155605660  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: \_\_\_\_\_  
SIGNATURE:   
DATE: Wednesday, July 13, 2022 1:39 PM Pacific Standard Time

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY. A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual \_\_\_\_\_ and \_\_\_\_\_

CASE 19-CB-298726

United Steel Workers, Local 12-591 (HF  
Sinclair)

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
(b) (6), (b) (7)(C)


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Joshua LaBossiere  
MAILING ADDRESS: 8001 Braddock Rd  
Springfield VA  
E-MAIL ADDRESS: jjl@nrtw.org  
OFFICE TELEPHONE NUMBER: 7033218510  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: 7033219319  
SIGNATURE:   
DATE: Monday, July 25, 2022 1:30 PM Pacific Standard Time  
(Please sign in ink)

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY. A COPY SHOULD BE SENT TO THE REGIONAL COUNSEL OR THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**AMENDED CHARGE AGAINST LABOR  
ORGANIZATION OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>19-CB-298726</b>	Date Filed <b>9/22/2022</b>

**INSTRUCTIONS:** File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Steel Workers, Local 12-591		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 47 Alder Lane, Mount Vernon, Washington 98273		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	
		g. e-mail (b) (6), (b) (7)(C)@hfsinclair.com	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 8(b)(1)(A) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  See Attachment A			
3. Name of Employer HF Sinclair		4a. Tel. No. 415-308-1968	b. Cell No.
		c. Fax No.	
		d. e-mail ryan.kimmel@hfsinclair.com	
5. Location of plant involved (street, city, state and ZIP code) 8505 South Texas Road Anacortes, Washington 98221		6. Employer representative to contact Ryan Kimmel, Senior Manager of Human Resources	
7. Type of establishment (factory, mine, wholesaler, etc.) Oil refinery	8. Identify principal product or service Gasoline	9. Number of workers employed 400	
Party filing charge (b) (6), (b) (7)(C)			
IP code) (b) (6), (b) (7)(C)		11a. Tel. No.	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	
		d. e-mail (b) (6), (b) (7)(C)	
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  /s/ Joshua J. LaBossiere  (signature of representative or person making charge)  c/o National Right To Work Foundation 8001 Braddock Rd St. 600 Springfield, VA 22160 Address		Joshua LaBossiere, Attorney  (Print/type name and title or office, if any)  9/21/22 Date	
		Tel. No. 703-770-3301	
		Cell No.	
		Fax No. 703-321-9319	
		e-mail JJL@NRTW.ORG	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



## Attachment A

1. Charging Party (b) (6), (b) (7)(C) is employed by HF Sinclair and is exclusively represented by United Steel Workers, Local 12-591 and its affiliates (“Union”).
2. In (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) emailed HF Sinclair to revoke (b) (6), (b) (7)(C) dues checkoff authorization.
3. When HF Sinclair received (b) (6), (b) (7)(C) revocation, it stopped deducting dues from (b) (6), (b) (7)(C) paycheck.
4. On (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) resigned (b) (6), (b) (7)(C) membership in the Union.
5. In (b) (6), (b) (7)(C) 2022, HF Sinclair resumed deducting dues from (b) (6), (b) (7)(C) paycheck without (b) (6), (b) (7)(C) consent.
6. The Union violated the Act when it directed HF Sinclair to make these deductions and then accepted the deductions.
7. The collective bargaining agreement between HF Sinclair and the Union states only Union members are required to pay dues. (b) (6), (b) (7)(C) had resigned (b) (6), (b) (7)(C) Union membership in (b) (6), (b) (7)(C) before the dues were deducted.
8. The collective bargaining agreement also contains an unlawful provision restricting when employees can resign their Union membership.

These, and other related acts and omissions, violate Section 8 of the National Labor Relations Act, and restrain and coerce Hoffman and similarly situated employees in the exercise of their Section 7 rights.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (206)220-6300  
Fax: (206)220-6305



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September 23, 2022

**(b) (6), (b) (7)(C)**

United Steelworkers Local 12-591  
47 Alder Lane  
Mount Vernon, WA 98273

Re: United Steel Workers, Local 12-591 (HF  
Sinclair)  
Case 19-CB-298726

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202)208-0537. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosure: Copy of first amended charge

cc: Zachary Hebert, Assistant General Counsel  
United Steel, Paper and Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial and  
Service Workers International Union  
60 Boulevard of the Allies Ste 807  
Pittsburgh, PA 15222-1209



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NATIONAL LABOR RELATIONS BOARD

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September 23, 2022

(b) (6), (b) (7)(C)

Re: United Steel Workers, Local 12-591 (HF  
Sinclair)  
Case 19-CB-298726

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202)208-0537. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

cc: Joshua LaBossiere, Staff Attorney  
National Right To Work Foundation  
8001 Braddock Road  
Springfield, VA 22160



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September 23, 2022

Ryan Kimmel, Senior Manager of Human Resources  
HF Sinclair  
8505 South Texas Road  
Anacortes, WA 98221-9340

Re: United Steel Workers, Local 12-591 (HF  
Sinclair)  
Case 19-CB-298726

Dear Mr. Kimmel:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney ADAM D. MORRISON whose telephone number is (202)208-0537. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, if the Board agent asks you for evidence with respect to the allegations in the first amended charge, I urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn



statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS  
Regional Director

Enclosure: Copy of first amended charge



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Telephone: (206)220-6300  
Fax: (206)220-6305

November 18, 2022

Joshua LaBossiere, Staff Attorney  
National Right to Work Foundation  
8001 Braddock Road  
Springfield, VA 22160

Re: United Steel Workers, Local 12-591  
(HF Sinclair)  
Case 19-CB-298726

Dear Mr. LaBossiere:

We have carefully investigated and considered your charge that United Steelworkers Local 12-591 has violated the National Labor Relations Act.

**Decision to Dismiss:** Your charge alleges that: 1) the Employer and the Union are maintaining a facially unlawful union security clause because it limits the time during which employees can withdraw their Union membership; and 2) the Union unlawfully continued to charge you Union dues after you attempted to stop paying dues on (b) (6), (b) (7)(C), 2022. The investigation revealed that the parties continue to maintain an opt-out style union-security clause (Article 16) that makes it a condition of employment for employees to pay Union dues ("member in good standing"). However, pursuant to that Article, bargaining unit employees can opt-out of their dues obligation by providing written notice to the Employer and the Union, either within thirty days after the collective bargaining agreement goes into effect or fifteen days prior to the anniversary date of the contract (*i.e.*, May 1<sup>st</sup> of each year).

With respect to your allegation that the parties are maintaining an unlawful union-security clause, while Article 16 requires employees to pay Union dues "unless they withdraw from the Union" at certain designated times, the term "withdraw from the Union" in this context is limited to the employees' obligation to pay Union dues under the contract; it is not a definitive statement as to whether an employee can become a non-member of the Union at any other time, as permitted under Board law. *See Machinists Local 1414 (Neufeld Porsche-Audi)*, 270 NLRB 1330, 1336 (1984) (a union may not lawfully restrict the right of bargaining unit employees to resign their membership in the union, as an organization, which is distinct from the employees' obligation to pay dues under the collective bargaining agreement). *See also NLRB v. General Motors*, 373 US 734, 742 (1963) (in the context of union security clauses, the term "membership" or "member in good standing" is generally "whittled down to its financial core" obligation to pay dues and is generally not a statement about full membership in the union as an organization); *Paragon Prods. Corp.*, 134 NLRB 662, 664 (1961) (in interpreting contractual language, the Board will not assume the parties are violating federal law "merely because it fails to disclaim all possible illegal objects" *quoting NLRB v. News Syndicate Co.*, 365 U.S. 695, 700 (1961)). Indeed, the next line of Article 16 states, "[f]or purposes of this Agreement, [being a member] in good standing shall mean being current monthly in the payment or offer of payment of Union dues" and says nothing about full membership in the Union as an organization. Moreover, in the Union's (b) (6), (b) (7)(C), 2022 letter to you, the Union expressly informed you that "you are free to exercise your right to resign [your membership in the Union] *at any time*" (emphasis added), but needed to follow the contract if you wanted to stop paying Union dues. For these reasons, I do not find the parties' union-security clause to be facially unlawful under the Act and I am refusing to issue complaint on these grounds.

With respect to your allegation that the Union violated the Act by continuing to charge you dues after you attempted to withdraw from the Union, I find that you failed to comply with the terms of the collective bargaining agreement in order properly cease paying Union dues. Therefore, there has been no violation of the Act on these grounds. The investigation revealed that on (b) (6), (b) (7)(C) 2022, you notified the Employer, but not the Union, of your intent to stop paying Union dues. In addition, you failed to make this request during the appropriate window period as specified by the contract. Likewise, even though you sent your (b) (6), (b) (7)(C) 2022 written request to both the Employer and the Union, you still did not submit it at the appropriate time, *i.e.*, within thirty days of the new contract going into effect on May 1, 2022. Nonetheless, on (b) (6), (b) (7)(C) 2022, the Union, “in a show of good faith,” processed your withdrawal requests and refunded all dues deducted from your pay check after your submission. Even assuming, *arguendo*, that the Union’s actions violated the Act, it would not effectuate the purposes of the Act to issue complaint on this allegation under these circumstances.

Accordingly, further proceedings are not warranted and I am dismissing this charge.

**Charging Party’s Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB’s E-Filing system and the Terms and Conditions of the NLRB’s E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me. The main telephone number for the Office of Appeals is **(202)273-3760**.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **December 2, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency’s website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 30, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 2, 2022**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 1, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



RONALD K. HOOKS  
Regional Director

Enclosure

cc: Ryan Kimmel  
Senior Manager of Human Resources  
HF Sinclair  
8505 South Texas Road  
Anacortes, WA 98221-9340

(b) (6), (b) (7)(C)  
United Steelworkers Local 12-591  
47 Alder Lane  
Mount Vernon, WA 98273

Zachary Hebert  
Assistant General Counsel  
United Steel, Paper and Forestry, Rubber,  
Manufacturing, Energy, Allied Industrial  
and Service Workers International Union  
60 Boulevard of the Allies, Suite 807  
Pittsburgh, PA 15222-1209

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*